IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 724 of 2006

DATE OF DECISION : 31.08.2006

M/s Standard Processors and others

.... PETITIONERS

Versus

Assistant Collector, Central Excise, Department of Revenue, Ministry of Finance, Govt. of India, Amritsar

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. V.K. Sandhir, Advocate,
for the petitioners.

Mr. Kamal Sehgal, Advocate,
for the respondent.

* * *

The petitioners, who are facing trial in a complaint case filed by the respondent under Section 9/9 A.A./9 (1)/52-A/53/173B/173C/173E/ 173F/173G/226 of the Central Excise Rules, 1944 and of Central Excise and Salt Act, 1944 read with Section 420 IPC, have filed this revision petition against the order dated 21.3.2006, passed by Chief Judicial Magistrate, Amritsar, whereby the cross-examination of three witnesses of the complainant by the petitioners-accused has been ordered to be treated as Nil, while observing as under :-

> "All the three witnesses are present and they are coming from different places i.e. one from Jammu & Kashmir, one from Jalandhar and one from Amritsar. Again defence counsel for the accused is present. Adjournment again sought. As the case is almost 11 years old, no justification is made out to grant adjournment for the cross-examination of the witnesses. Hence, the cross-examination of the said witnesses shall be treated as nil. Counsel for the complainant Sh. P.L. Bindra, Adv. has closed the after charge evidence of the complainant. Now to come up on 3.4.2006 for recording of statement of accused under Section 313 Cr.P.C."

After hearing the arguments of learned counsel for the parties and keeping in view the fact that witnesses of the complainant were present and they came from different places, counsel for the petitioners did not come present before the trial court in spite of sufficient opportunity provided to him and no valid explanation has been given for his non-appearance, I do not find any ground to interfere in the impugned order.

Dismissed.

August 31, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**